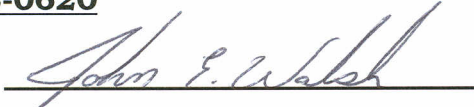


DMA Policy: 3-0620

Name: PREVENTING SEXUAL HARASSMENT

Reference: M.O.M. 3-0620

Approval Signature:



Effective Date: September 1, 2008

It is the policy of the Montana Department of Military Affairs to prohibit sexual harassment of its employees and applicants for employment in the work place by any person and in any form.

Each supervisor has an affirmative duty to maintain the work place free from sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not required to endure or be subject to insulting, degrading or offensive sexual treatment. Supervisors must report all allegations of harassment and discrimination.

Specifically, sexual harassment refers to behavior which is not welcome, personally offensive, weakens morale and therefore interferes with employees' effectiveness and work environment, and is generally defined as unwelcome sexual advances, requests for favors and other verbal, physical and/or visual contact of a sexual nature when:

- Submission is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission or rejection by an employee is used as a basis for employment decisions affecting the employee.
- Such conduct has the purpose or affect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or otherwise offensive work environment.

The following are examples of sexual harassment:

- Sexual advances, which are unwanted (this may include situations which began as reciprocal attractions but later ceased to be reciprocal).
- Leering or sexual gestures.
- Displaying sexually suggestive objects, pictures, cartoons or posters.
- Verbal abuse of a sexual nature, sexually oriented jokes, innuendoes or obscenities. Sexually suggestive letters, notes or invitations.
- Reprisals or threats after a negative response to sexual advances.

- Employment benefits affected in exchange for sexual favors (may include situations where a third party is treated less favorably because others have agreed to sexual advances).
- Physical conduct such as assault, attempted rape, impeding or blocking movement or touching.
- Employees in nontraditional work environments may also be subject to hazing (this may include being dared or asked to perform unsafe work practices).

No supervisor shall threaten or insinuate either explicit or implied action(s) that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, classification (grade), assigned duties, or any other condition of employment or career development.

It should be understood that sexual harassment or illegal discrimination based on sex or gender, race, color, religion, creed, national origin, marital status, political belief, age or disability is against the law and the State of Montana is committed to the prevention of all forms of sexual harassment in the work place. It is DMA policy to provide employees, clients, customers, and any other persons with a work environment free of these forms of harassment.

If you are not personally a victim of sexual harassment, or other harassment but observe actions against other employees which you believe to be harassment, you should bring it to the attention of your supervisor or to the first level supervisor not involved in the alleged harassment or the DMA EEO Officer. If you feel you are being sexually harassed, you should:

- Inform the individual that his/her behavior is unwelcome, offensive or inappropriate. Do not assume or hope that the problem will go away
- If you are unable to confront the harasser, or the harassment continues, do not keep it to yourself. Inform your supervisor or the Human Resources Officer.

If you are considering reporting a complaint, you can:

1. Report a complaint utilizing the reporting procedures contained in the DMA Sexual Harassment Policy/EEO/Affirmative Action Plan.
2. File a grievance under the grievance policy or through a grievance procedure available through collective bargaining agreements or statute.
3. File a complaint with the Human Rights Commission. Complaints with the Human Rights Commission will be accepted within 180 days of the action or an extended 120 days if you are using an internal complaint procedure.

Incidents of sexual harassment or illegal discrimination (sex or gender, race, color, religion, creed, national origin, marital status, political belief, age or disability. should be reported to the employees immediate supervisor or to the department's EEO Officer, Erv Kent, located in the Human Resources Office (HAFRC) at (telephone number 324-3334) as soon as possible after the alleged incident.

The Department of Military Affairs shall not retaliate or allow, condone, or encourage others to retaliate against any applicant, or current or former employee for opposing unlawful discriminatory practices, filing a discrimination complaint and/or testifying or participating in any other manner in a discrimination proceeding.

It is the policy of the Department of Military Affairs to take direct and immediate action when informed of alleged violations and enforce the full range of liability and protection created by Title VII and the Montana Human Rights Act. Sexual Harassment Training is required for all DMA employees. This training should take place for new employees as soon as available and prior to the completion of the six-month probationary period.

The immediate supervisor will notify the new employee of this requirement during the new employee orientation. Current DMA employees are required to attend refresher training for Sexual Harassment at least once every two years.

I have read and understand the agency policy for preventing Sexual Harassment.

Employee Signature _____ Date

Supervisory Signature _____ Date

Please keep a copy for your files and send a copy to:

DMA Human Resources

A copy will be placed in your official department personnel file.